

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ERIC J. LAWATSCH, M.D.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0008265

Division of Legal Services and Compliance Case No. 21 MED 548

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Eric J. Lawatsch, M.D.
Neenah, WI 56956

Wisconsin Medical Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Medical Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Respondent Eric J. Lawatsch, M.D., (Year of Birth 1972) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 46275-20, first issued on November 17, 2003, and registration current through October 31, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Neenah, Wisconsin 56956.

2. At all times relevant to this proceeding, Respondent practiced as a urologist at a clinic located in Neenah, Wisconsin (Clinic).

3. Between January 2017 and September 2017, Respondent treated a 47-year old female (Patient A) at the Clinic. Patient A was also seen by other clinic staff during that timeframe.

4. On January 30, 2017, Respondent evaluated Patient A who reported a two-year history of intermittent urinary tract infections (UTIs), burning sensation with urination, malodorous urine, and gross hematuria in November of 2016. At the visit, Patient A denied current UTI symptoms. Respondent's assessment and plan was recurrent UTIs with continued prevention of antibiotics and cranberry. Respondent instructed Patient A to call with further symptoms and return in three months for a symptom re-check.

5. On April 3, 2017, a urine culture previously ordered by Respondent returned negative. Patient A was informed to continue taking cranberry tablets, avoid bladder irritants, and increase water intake.

6. On April 24, 2017, Patient A was seen at the Clinic for a follow-up visit with a nurse practitioner. Respondent was the supervising physician for the visit but did not personally see the patient. Patient A reported no current UTIs and was recommended for continual monitoring and conservative prevention. Patient A was instructed to return in six months for a symptom re-check.

7. On June 26, 2017, Patient A called the Clinic and reported continued symptoms. Patient A was offered to either increase water intake to 64 ounces daily or present for an office visit and urine test. Respondent opted to push fluids and was instructed to call back if symptoms persisted.

8. On June 30, 2017, Patient A reported continued UTI-like symptoms. On this date, Clinic staff ordered a seven-day course of Bactrim as Patient A was positive for UTI.

9. On September 6, 2017, Respondent saw Patient A at the Clinic who reported low back and side pain. Historically, these symptoms were consistent with UTI in this patient and a urine culture was obtained.

10. On September 29, 2017, Respondent saw Patient A at the Clinic. Patient A's urine culture was negative for UTI and CT urogram was performed which demonstrated a mass consistent with metastatic urothelial carcinoma of the bladder.

11. On October 2, 2017, Respondent performed transurethral resection of the mass and pathology results confirmed bladder carcinoma.

12. Patient A was referred to oncology and expired on October 27, 2017, after suffering an adverse reaction to initial chemotherapy.

13. Respondent did not order CT urogram or other diagnostic testing prior to September of 2017 because Respondent's symptoms were consistent with Patient A's UTI symptoms and he did not think Patient A's earlier presentation represented bladder carcinoma.

14. Respondent denies any violation of the standard of care but consents to the entry of the following Conclusions of Law and Order in resolution of this matter.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.02(3) and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined in Wis. Admin. Code § Med 10.03(2)(b) by departing from or failing to conform to the standard of minimally competent medical practice which creates an unacceptable risk of harm to a patient or the public whether or not the act or omission resulted in actual harm to any person.

3. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,948.

4. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order shall be submitted to:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Respondent may also submit this information online at: <https://dspsmonitoring.wi.gov>.

5. In the event Respondent violates any term of this Order, Respondent's license and registration (number 46275-20) or Respondent's right to apply to renew his license and registration to practice medicine and surgery in the state of Wisconsin, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

6. This Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

By: Stephen A. Wasserman, MD
A Member of the Board

11/16/22
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ERIC J. LAWATSCH, M.D.,
RESPONDENT.

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STIPULATION

ORDER 0008265

Division of Legal Services and Compliance Case No. 21 MED 548

Respondent Eric J. Lawatsch, M.D., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Respondent is represented by Attorney Reid Buchinger.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not

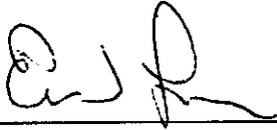
accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Eric J. Lawatsch, M.D., Respondent
Neenah, WI 56956
License No. 46275-20

10/26/22
Date



Reid Buchinger, Attorney for Respondent
Corneille Law Group, LLC
615 South Monroe Ave.
Green Bay, WI 54301

10/26/22
Date



Colleen Meloy, Prosecuting Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

November 4, 2022
Date